



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA

v.

BRANDON BANKS and
CAL WILLIAMS

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§
§

CRIMINAL NO. 16 CR 49

UNDER SEAL

INDICTMENT

United States Courts
Southern District of Texas
FILED

JAN 27 2016

David J. Bradley, Clerk of Court

THE GRAND JURY CHARGES THAT:

COUNT ONE

18 U.S.C. §§ 1343 & 1349

(Attempted Wire Fraud and Conspiracy)

1. Beginning in or near January 2012 and continuing until in or near December 2013, within the Southern District of Texas and elsewhere, Defendants

BRANDON BANKS

and

CAL WILLIAMS

knowingly devised and intentionally devised a scheme and artifice to intentionally attempt to commit wire fraud, in violation of Title 18, United States Code, Section 1343; that is, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, the Defendants conspired to attempt to

transmit and cause to be transmitted, by means of wire communications in interstate commerce, communications, writings, and signals, to wit: electronically filed tax returns, for the purpose of executing said scheme and artifice to defraud, in violation of Title 18, United States Code, Sections 1343 and 1349.

BACKGROUND

At all times relevant to this Indictment:

2. Defendant **BRANDON BANKS** resided in Houston, Texas, within the Southern District of Texas.

3. Defendant **CAL WILLIAMS** resided in Houston, Texas, within the Southern District of Texas.

4. A “means of identification” was any name or number that may be used, alone or in conjunction with any other information, to identify a specific individual, including a name, Social Security number, date of birth, or address.

5. An “access device” was any “personal identification number” that could be used, alone, or in conjunction with another access device, to obtain money, goods, services, or anything of value.

6. The Internal Revenue Service (“IRS”) was an agency of the United States Department of the Treasury responsible for administering the tax laws of the United States, and collecting taxes owed to the United States.

7. Individual taxpayers who have had income taxes withheld in a particular year in an amount in excess of their income tax liability for that year were entitled to a tax refund from the IRS based on what was reported in their federal income tax return for that tax year.

THE SCHEME AND ARTIFICE

8. The Defendants would and did, without authority, obtain the means of identification of individuals, including their names, Social Security numbers, dates of birth, and addresses.

9. The Defendants would and did provide lists of these means of identification to an Informant (who was cooperating with law enforcement) for the purpose of electronically filing false federal income tax returns by interstate wire and causing tax refunds to be disbursed by the IRS.

10. The Defendants would and did agree to accept as payment a percentage of false federal income tax refunds received.

SUBSTANTIAL STEPS

11. To accomplish the scheme, in the Southern District of Texas and elsewhere, the Defendants committed, among others, the following steps:

12. In or near February 2013, Defendant **BRANDON BANKS** provided Defendant **CAL WILLIAMS** with lists containing the means of identification of

individuals for the purpose of electronically filing false federal tax returns by interstate wire.

13. On or about February 22, 2013, Defendant **CAL WILLIAMS** met with the Informant. During the meeting, Defendant **CAL WILLIAMS** gave the Informant the stolen personal identifying information for taxpayer J.P., and told the Informant to electronically submit a fraudulent claim for a tax refund using the personal identifying information for J.P. The personal identifying information for J.P. had been given to Defendant **CAL WILLIAMS** by Defendant **BRANDON BANKS** before the meeting.

14. On or about March 25, 2013, Defendant **CAL WILLIAMS** met with the Informant and accepted approximately \$1,942.00, which purported to be Defendant **CAL WILLIAMS**' share of the false tax refund received for taxpayer J.P.

15. On or about March 12, 2013, Defendant **CAL WILLIAMS** met with the Informant. During the meeting, Defendant **CAL WILLIAMS** gave the Informant the stolen personal identifying information for taxpayer C.N., and told the Informant to electronically submit a fraudulent claim for a tax refund using the personal identifying information for C.N. The personal identifying information for C.N. had been given to Defendant **CAL WILLIAMS** by Defendant **BRANDON BANKS** before the meeting.

16. On or about April 11, 2013, **Defendant CAL WILLIAMS** met with the Informant and accepted approximately \$1,800.00, which purported to be Defendant **CAL WILLIAMS'** share of the false tax refund received for taxpayer C.N.

All in violation of Title 18, United States Code, Sections 1343 and 1349.

COUNTS TWO THROUGH FOUR
(Aggravated Identity Theft -18 U.S.C. § 1028A)

17. The Grand Jury realleges and incorporates by reference, as though fully set forth herein, the allegations set forth in Paragraphs 1 through 16, including subparts.

18. From about January 1, 2012, and continuing thereafter through December 31, 2013, the exact dates being unknown, Defendants **BRANDON BANKS and CAL WILLIAMS** did knowingly transfer, possess, or use, without lawful authority, the means of identification of another person without lawful authority during and in relation to attempted wire fraud, that is they used the names and Social Security numbers of actual persons known to the Grand Jury, listed by his or her initials below, for the tax years below:

Count	Name	Tax Year
2	J.P	2012
3	T.C.	2011
4	C.H.	2012

In violation of Title 18, United States Code, Section 1028A.

COUNTS FIVE THROUGH ELEVEN
(False, Fictitious or Fraudulent Claims - 18 U.S.C. § 287)

19. The Grand Jury realleges and incorporates by reference, as though fully set forth herein, the allegations contained in Paragraphs 1 through 18, including subparts, as set forth above.

20. On or about the dates listed below, in the Houston Division of the Southern District of Texas and elsewhere, defendant

BRANDON BANKS

and others known and unknown to the Grand Jury, aided and abetted each other, knowingly made and caused to be made, and presented and caused to be presented, to the Internal Revenue Service, an agency of the U.S. Department of Treasury, false, fictitious and fraudulent claims against the United States for payment of income tax refunds, the following false and fraudulent federal income tax returns, identified by tax year, taxpayer, and amount of tax refund claimed:

Count	Taxpayer	Tax Year	Approximate Filing Date	Claimed Refund
5	W.G.	2011	04/24/12	\$4,188
6	T.C.	2011	01/16/12	\$4,127
7	D.R.	2011	04/23/12	\$4,154
8	C.R.	2011	06/23/12	\$4,188
9	S.W.	2011	01/16/12	\$4,227

10	C.H.	2012	01/26/13	\$5,008
11	D.R.	2012	01/28/13	\$5,883

In violation of Title 18, United States Code, Section 287.

COUNTS TWELVE THROUGH SIXTEEN
(Theft of Public Funds - 18 U.S.C. § 641)

21. The Grand Jury realleges and incorporates by reference, as though fully set forth herein, the allegations contained in Paragraphs 1 through 20, including subparts, as set forth above.

22. On or about the dates listed below, within the Southern District of Texas and elsewhere, defendant,

BRANDON BANKS

did steal, purloin, and knowingly convert to his own use and the use of another, money of the United States, namely, funds administered by the Department of Treasury in the form of a federal tax refund in the amount and in the name of the individual whose initials are listed below, for the tax years listed below:

Count	Individual	Tax Year	Amount Received
12	D.A.	2011	\$4,945.00
13	P.B.	2011	6,098.00
14	D.B.	2011	\$4,186.00
15	A.E.	2011	\$2,899.00

16	W.G.	2011	\$4,188.00
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In violation of Title 18, United States Code, Section 641.

NOTICE OF CRIMINAL FORFEITURE
(18 U.S.C. § 981(a)(1)(C))

23. Pursuant to Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 981(a)(1)(C), the United States gives notice to the Defendants,

BRANDON BANKS

and

CAL WILLIAMS

that in the event of conviction of the offenses charged in Count One of this Indictment, the United States intends to seek forfeiture of all property, real or personal, which constitutes or is derived from proceeds traceable to such offense

24. The property subject to forfeiture includes, but is not limited to, the following property: \$69,827.00 in United States dollars.

25. Defendants are notified that upon conviction, a money judgment may be imposed equal to the total value of the property subject to forfeiture, for which the Defendants may be jointly and severally liable. That amount is estimated to be, but is not limited to, approximately \$69,827.00 in United States dollars.

SUBSTITUTE ASSETS

26. In the event that any of the property subject to forfeiture as a result of any act or omission of the defendants:

- a. cannot be located upon exercise of due diligence;
- b. has been placed beyond the jurisdiction of the Court;
- c. has been transferred or sold to, or deposited with a third party;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States to seek forfeiture of any other property of the defendants up to the value of such property pursuant to Title 21, United States Code, Section 853(p), incorporated by Title 28, United States Code, Section 2461(c).

Original Signature on File

A TRUE BILL:
FOREPERSON OF THE GRAND JURY

KENNETH MAGIDSON
UNITED STATES ATTORNEY

By: _____

Vernon Lewis
Assistant United States Attorney